

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**TERA McMILLAN**

**Plaintiff,**

**ALABAMA DEPARTMENT OF  
YOUTH SERVICES, et al**

**Defendant.**

**Civil Action No. 2:07-cv-00001-WKW**

## DEFENDANT ALABAMA DEPARTMENT OF YOUTH SERVICES EXHIBIT LIST

1. Witnesses who are expected to be presented.
  - a.. Tera A. McMillan's personnel file.
  - b. Michael Hardy's personnel file.
  - c. Tera McMillian's January 15, 2008 continued to January 22, 2008 deposition
  - d. Debra Spann's January 10, 2008 deposition.
  - e. Alabama Department of Youth Services policy number 4.2, subject: Training for New Employees.
  - f. T.Dudley Perry, Jr's, August 11, 2006 Employee's Brief of Evidence to Administrative Law Judge Julia Weller.
  - g. Administrative Law Judge Julia Weller's August 1, 2007 Recommended Order to the State Personnel Board on the Michael Hardy State Personnel Case
  - h. October 17, 2008 Order of the Personnel Board of the State of Alabama in the matter of Michael Hardy.
  - i. Plaintiff's Charge of Discrimination - EEOC 130-2006-01336.
  - j. Special Investigator Alan Staton's investigation of Plaintiff's allegations of alleged discrimination based on sex and retaliation (EEOC 130-2006-01336). Enclosed in the investigation besides Ms. McMillian's Personnel Documentation

are statements by Hammond; Hood; Webster; Harris; Rankins; and Lee. Also in closed are copies of work schedules, leave request relating to Ms. McMillian.

- k. January 6, 2006 letter from J. Walter Wood, Jr. To Michael Hardy indicating that based on the evidenced from the November 10, 2005 fact finding hearing that he was dismissed from the Department effective at the close of business January 6, 2006.
  - l. Quality Assurance Mandatory Training/Signin list:  
Topics: Communication Skills, Report Writing, Sexual Harassment, Interpersonal Relations.
  - m. Documentation provided to Plaintiff's attorney on her behalf. Bates number 0002-5958. (See attached- Exhibit 1) Excluding 5647-5659.
2. Any and all exhibits on the Plaintiff's and Defendant Hardy's exhibit list.

Respectfully submitted this 13<sup>th</sup> day of February 2008,

**s/ T. Dudley Perry Jr.**

T. Dudley Perry, Jr.

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**s/Sancha E. Teele**

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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of February, 2008, I electronically filed the foregoing, **DEFENDANT ALABAMA DEPARTMENT OF YOUTH SERVICES EXHIBIT LIST** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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**s/ T. Dudley Perry Jr.**  
T. Dudley Perry, Jr.  
Bar Number: 3985-R67T  
Deputy Attorney General  
Attorney for the Defendants

# McMillan v. DYS Documents Provided to Plaintiff

## Exhibit 1

## McMillian v. DYS Production Request List

Bates Number	Subject	Request for Producti
000002-000034	Dismissal Appeal & ALJ Recommended Order	15
000035-000111	Leave Report	29
000112-000157	Rosters of employees attending training 2005-2007	31
000158-000166	Employee Address Information (none for Lisa May)	34
000167-000173	Employee Leave Balance (McMillian)	35
000176-000183	EEOC Charges (Both) and Dismissal and Notice of Rights	22
000184-000186	Lee's letter of Waring, December 6, 2005 re: Failure to attend	22
000187-000220	Staton Interview of McMillian, December 1, 2006 (Retaliation)	22
000237-000242	McMillian's Personnel File	22
000243-000333	Hardy's Administrative Hearing, November 15, 2005	22
000334-000510	Hardy's Personnel File	22
000511-000521	Hardy and McMillian Leave Request Forms (DYS 24)	30
000522-000527	EEOC Charge (Retaliation)	22
000528-000635	Staton Interview of McMillian, Feb 16, 2006 (Sex Harassment)	22
000636-000640	Staton Interview of Hammond, March 24, 2006	22
000641-000644	Staton Interview of Elijah Hood, March 15, 2006	22
000645-000654	Staton Interview of Gregory Webster, March 14, 2006	22
000655-000673	Staton Interview of Gregory Webster, March 14, 2006	22
000674-000687	Staton Interview of Phyllis Rankins, March 8, 2006	22
000688-000700	Staton Interview of Phyllis Rankins, March 10, 2006	22
000702-000703	Staton Interview of Sylvesta Lee, March 9, 2006	29
000712-000713	Leave Reports (DYS 21 ITU)	30
714	McMillian Leave Request Forms (DYS Form 24) Dec 05, Jan 06	22
715-723	Rankins' Letter to McMillian re: Concerns about employee Appraisal	22
722	McMillian's Performance Preappraisals and Appraisals	22
723	03/01/05-03/01/07	22
724-729	Lee's Letter of Warning, December 6, 2005	22
730	McMillian's Performance Appraisal 03/01/04-03/01/05	22
	Memos For Record from Lee, Hammond, Whitted and Washington re: Contact with McMillian	22
	Lee's Contact with Staff memo Jan 20, 2006 re: Insubordination	22

731	Lee's Contact with Staff memo Nov 29, 2005 re: Failure to Attend	22
732	Lee's Memo re: Mandatory A Training 2006	
733	McMillian's Memo for Record re: Dispute Performance Eval	22
734-735	McMillian's Performance Preappraisal (partial) 3/1/05-3/1/06	22
736-737	Subpoenas to appear at ALJ Hearing	22
738-740	McMillian's training certificates and one pay raise notice	22
741	McMillian's Performance Appraisal (partial) 03/01/06-03/01/07	22
742	Rankin's Memo to Spann re: McMillian's refusal to sign Appraisal	
743	Lee's Letter of Warning, December 6, 2005 re: Failure to attend training and staff meeting	22
744	Performance Appraisal (partial) 03/01/06-03/01/06	
745-761	Misc Forms from McMillian's personnel file: m most duplicative	22
762-775	McMillian's Performance Preappraisals and Appraisals	
	10/21/02-03/01/07	
776-783	EEOC Charges (Both) and Dismissal and Notice of Rights	22
784-785	Subpoenas to appear at ALJ Hearing	22
786-848	Security Affidavit Count for 3/4/06 and 3/5/06	25
849-920	Daily Time & Attendance Report ITU	26
921-935	Daily Time & Attendance Report ITU	26
935-950	Daily Time & Attendance Report ITU	26
951	Daily Time & Attendance Report ITU	26
952-966	Daily Time & Attendance Report ITU	26
967-1011	Daily Time & Attendance Report ITU	26
1012-1023	Daily Time & Attendance Report ITU	26
1024-1051	Daily Time & Attendance Report ITU	26
1052-1065	Daily Time & Attendance Report ITU	26
1066-1076	Daily Time & Attendance Report ITU	26
1077-1080	Daily Time & Attendance Report ITU	26
1081-1108	Daily Time & Attendance Report ITU	26
1095-1105	Daily Time & Attendance Report ITU	26
1109-1138	Daily Time & Attendance Report ITU	26
1139-1168	Daily Time & Attendance Report ITU	26
1169-1183	Daily Time & Attendance Report ITU	26
1184-1198	Daily Time & Attendance Report ITU	26
1199-1227	Daily Time & Attendance Report ITU	26
1228-1242	Daily Time & Attendance Report ITU	26

1243-1257	Daily Time & Attendance Report ITU	06/16/06-06/30/06	26
1258-1272	Daily Time & Attendance Report ITU	06/16/06-06/30/06	26
1273-1298	Daily Time & Attendance Report ITU	07/01/06-07/30/06	26
1299-1326	Daily Time & Attendance Report ITU	07/01/06-08/01/06	26
1325-1386	Daily Time & Attendance Report ITU	08/01/06-09/30/06	26
1387-1397	Security Gate Log of employees entering and leaving	6/20/2006	25
1398-1409	Security Gate Log of employees entering and leaving	6/21/2006	25
1410-1419	Security Gate Log of employees entering and leaving	6/19/2006	25
1420-1431	Security Gate Log of employees entering and leaving	6/18/2006	25
1432-1442	Security Gate Log of employees entering and leaving	6/16/2006	25
1443-1454	Security Gate Log of employees entering and leaving	6/17/2006	25
1455-1466	Security Gate Log of employees entering and leaving	6/15/2006	25
1467-1480	Security Gate Log of employees entering and leaving	6/14/2006	25
1481-1492	Security Gate Log of employees entering and leaving	6/13/2006	25
1493-1504	Security Gate Log of employees entering and leaving	6/9/2006	25
1505-1516	Security Gate Log of employees entering and leaving	6/10/2006	25
1517-1528	Security Gate Log of employees entering and leaving	6/11/2006	25
1529-1538	Security Gate Log of employees entering and leaving	6/12/2006	25
1539-1548	Security Gate Log of employees entering and leaving	6/7/2006	25
1549-1560	Security Gate Log of employees entering and leaving	6/8/2006	25
1561-1572	Security Gate Log of employees entering and leaving	6/4/2006	25
1573-1584	Security Gate Log of employees entering and leaving	6/2/2006	25
1585-1596	Security Gate Log of employees entering and leaving	6/5/2006	25
1597-1608	Security Gate Log of employees entering and leaving	6/6/2006	25
1609-1610	Security Gate Log of employees entering and leaving	6/7/2006	25
1623-1634	Security Gate Log of employees entering and leaving	6/2/2006	25
1611-1622	Security Gate Log of employees entering and leaving	6/1/2006	25
1647-1657	Security Gate Log of employees entering and leaving	5/15/2006	25
1635-1646	Security Gate Log of employees entering and leaving	5/11/2006	25
1658-1669	Security Gate Log of employees entering and leaving	5/10/2006	25
1670-1681	Security Gate Log of employees entering and leaving	5/9/2006	25
1682-1704	Security Gate Log of employees entering and leaving	5/8/2006	25
1694-1705	Security Gate Log of employees entering and leaving	5/7/2006	25
1706-1717	Security Gate Log of employees entering and leaving	5/6/2006	25
1718-1729	Security Gate Log of employees entering and leaving	5/5/2006	25
1730-1741	Security Gate Log of employees entering and leaving	5/3/2006	25

1742-1753	Security Gate Log of employees entering and leaving	5/2/2006
1754-1765	Security Gate Log of employees entering and leaving	5/2/2006
1766-1777	Security Gate Log of employees entering and leaving	5/1/2006
1778-1789	Security Gate Log of employees entering and leaving	6/22/2006
1790-1801	Security Gate Log of employees entering and leaving	11/11/2005
1802-1813	Security Gate Log of employees entering and leaving	11/29/2005
1814-1849	Training material re: Student Self-Harm 04/26/07	
1850-2136	Training schedules and sign in sheets	
1959-1999	ITU Leave Request Forms (DYS Form 24) Aug-Nov 2005	
2158-2816	Security Gate Log of employees entering and leaving 3/01/06-04/29/06, 11/16/18/05	
2158-2816	Security Gate Log of employees entering and leaving 03/01/06-04/29/06, 11/16-	
2820	Leave Reports (DYS 21) ITU and Mt. Meigs	
2827-3406	Leave Reports (DYS 21) ITU and Mt. Meigs	
3407-3439	Policy & Procedure Training	
3440-3465	DYS Form 24 Leave request forms	
3465-3569	Mr. Lee personnel file on Tera McMillan	
3570-3597	Recording of Mr. Lee & Ms. McMillan	
3598-4112	Daily time & Attendance Sheets	
4113	(motion to compel production sheets) Ms. Spann's material Special investigator's investigation EEOC 130-2006-01336 Ms. Spann's memo 4555 Marcia Calendar fact finding Marcia letter to Wood dated December 8, 2005	



4114-4567

Motion to compel responses

4568-4661

Introduction of Agency's Exhibit  
Exhibit 1 McMillian's Charge of Discrimination

Exhibit 2 Memo from Hardy to Spann filing grievance against McMillian

Exhibit 3 Transcription of Feb 16 2006 statement of McMillian

Exhibit 4 Transcription of taped interview of Michael Hardy taken by Spann

Exhibit 5 Transcription of Administrative Hearing for Employee w/exhibits

Documents from the Michael Hardy Personnel case file

4662-4761  
4762-4965

Investigator File dated March 31

4966

statement of the Fact - Termination Appeal Hearing Michael Hardy

4967-4969

EEOC - Rose Harris

4970-4974

EEOC - Evelyn C. Huffman

4975-4977

EEOC - Thomas Thaggard

4978-4981

EEOC - Thomas Watson

4982- 4993

EEOC - Thomas Thaggard

4994-5000

EEOC-Ruby Carr

5001-5005

EEOC-Willie Stallworth

5006-5011

EEOC Ted Mitchell

5012-5014

EEOC Randy Belyeu

5015-5019

EEOC - Carlo Sametime

5020-5024

EEOC - Ruby Carr

5025-5027

EEOC-Julia Jackson

5028

Wendy King-Purpose of Written Statement

5029-5032

Incident Reports by Wendy King

5033

Memo to Joyce Delbridge from Adriana Jones s - Personnel Complaint

5035-5037

Memo to Arthur Tigner from Joyce Delbridge RE Adriana Jones

5038-5040

Ltr from Erika Judge "To whom it may concern" Personnel Complaint

5041

Memo to Donald Lewis RE Sexual Harrasment from Kawanna Jones

Email from Catherine Spillers

5042-5043

Ltr from Rakeya Givens RE: Officer Brown

5044

Memo - Mr. Wilbank from Angie Toney

5045

Memo to Angie Toney From A. Alexander (Response to Complaint)

5046

Emails concerning work environment concers - Jemecia Calvin

5047

Email to Yolanda Byrdsong and David Sandefer RE: Work Environment Concerns (Mr Alexander)

5048

Handwritten letter RE Mr. Wilbanks.

5049-5050

Email regard complaint fromMs. Rankins

5051 Letter to Debra Spann from Ebonie McCall (grievance of S.H.)  
5052-5059 Rose Harris transcription by Special Investigator  
5060 Hardy's exceptions to report of Admin Law Judge Weller  
5061-5064 Reply to Dept. response to employee Motion for Protection and Show Cause (Michael Hardy) dismissal;  
5065-5066 Michael Hardy response to Motion for protection of witness and show cause why subpoena should not be  
5067 Michael Hardy request to change of date  
5068 Motion for Protection of Witness and Show Cause as to Why Subpoena Should be issued.  
5069-5070 Employee's response to DYS response to employee objection to Department Exhibit 4  
5071-5075 Alabama Department of Youth Services' Motion in Limine and Motion to Excuse Certain Witness (Michael  
5076-5080 Ruby Carr Complaint - 2:07cv-532-MHT  
5081-5088 Thomas Thaggard Complaint - 2:07-cv-483-ID  
5089-5095 Thomas Thaggard Complaint - 04-m-200-N  
5096-5115 Collette Fikes Complaint -  
5116-5129 Sherry Richards Complaint - 2:04-cv-1007-B  
5130-5132 Daniel Lambert Complaint - 02-PWG-2801-S  
5133-5149 Hardy's Exceptions to Report of Administrative Law Judge Julia Weller  
5150-5549 Various time and attendance reports  
5550-5646 March 23, 2006 deposition of Veronica Harris  
5699-5958 Various portions of individual's personnel files